

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael Morrow, #249332,)	
)	C/A No.: 9:05-2197-MBS
Plaintiff,)	
)	
vs.)	
)	
Lower Savannah Pre-Release Center,)	ORDER
Medical,)	
)	
Defendant.)	
_____)	

Plaintiff Michael Morrow currently is an inmate in custody of the South Carolina Department of Corrections. At the time of the underlying complaint Plaintiff was incarcerated at the Lower Savannah Pre-Release Center in Aiken County, South Carolina. Plaintiff, appearing pro se, alleges he did not receive adequate medical care after twice being bitten by spiders. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights.

This matter is before the court on Defendant's motion for summary judgment filed October 18, 2005. Among other things, Defendant asserts that Plaintiff's complaint should be dismissed because Plaintiff failed to exhaust his administrative remedies as mandated by 42 U.S.C. § 1997e(a). By order filed October 19, 2005, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff filed a response to Defendant's motion on December 5, 2005.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge George C. Kosko for pretrial handling. On January 17, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that the within action be dismissed to allow Plaintiff to exhaust his administrative remedies. Plaintiff has filed no

response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in Magistrate Judge's recommendation. Defendant's motion for summary judgment is **granted** to the extent that it asserts the case should be dismissed because Plaintiff has failed to exhaust his administrative remedies as required by § 1997e(a).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

February 21, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.